

# **LINCOLN PLANNING BOARD**

**AUGUST 22, 2012**

**APPROVED**

**The regular meeting of the Planning Board was held on Wednesday, August 22, 2012, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.**

**Chairman Olean called the meeting to order at 7:01 p.m. The following members were present: Gerald Olean, Michael Reilly, Jeffrey Delgrande, Timothy Griffin, John Hunt and William Murphy. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.**

**The following member was absent from this meeting: Kenneth Bostic. Member Bostic called the Chairman and was excused.**

**Chairman Olean advised that six members were present; have quorum.**

## **CONSENT AGENDA**

**Chairman Olean reminded members that the consent agenda has three zoning applications, one recorded decision and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.**

**Member Reilly requested to remove the TD Bank zoning application from the consent agenda and review that separately.**

**Motion was made by member Hunt to accept the consent agenda as amended was seconded by member Reilly. Motion was approved by all members present.**

## **MAJOR SUBDIVISION REVIEW**

**a. Hysko Great Road Subdivision AP 22 Lot 4      Public Hearing –  
7:00 PM**

**Donald & Patricia Hysko   Great Road Preliminary Plan  
Discussion/Approval**

**Chairman Olean called the Public Hearing to order at 7:04 pm. Roll call of the abutter's list was read by the recording secretary. There was one response to the reading of the abutter's list. Chairman Olean called for any other abutter in the audience whose name was not read to be recognized. No responses were given.**

**Mr. Ranaldi stated that this application is at preliminary plan stage for a public hearing. This application was elevated to a major subdivision because it required a dimensional variance. The applicant received the dimensional variance on August 7, 2012. This application represents the subdivision of one lot into two lots. The**

plan calls for a shared common driveway which is due to the terrain. The property is significant because it contains a building built in 1720. The house has been restored to that period. This house is on the National Historic Register. This house sits in the front of the property. The rear of the property is forested land. The property has been on the market for over five years. The applicant has had poor luck in finding a buyer for this property. The applicant worked with the Town to come up with this subdivision to create a buildable lot and place a deed restriction on the house. The thought is to sell the vacant land and be able to wait to find an appropriate buyer for the house. The intention is to find a buyer who will preserve the house in the condition it is in right now. Barring any unforeseen concerns, the TRC recommends preliminary plan approval with conditions. The conditions are that a deed restriction be placed on the historic house that will prevent its' demolition and the driveway be constructed such that two cars can safely pass each other. This condition would have to be addressed before final plan is recorded.

John T. Walsh, Jr., attorney for the applicant, made a brief presentation to the Board. Mr. Walsh stated that the owners, Donald & Patricia Hysko, presently reside in Kansas and are unable to attend the meeting tonight. This is a very unique piece of land with a colonial style historic house on a large parcel of land. During the time the Hysko's have been trying to sell this property, the only interest has been from people who would like the land but not the structure. There has been no interest in anybody buying this entire

parcel and leaving it in the state that it is in. Therefore the applicant is requesting to subdivide the property so the house can be on a separate smaller lot and price it reasonably so hopefully an interested buyer can be found who will maintain the house in its current state. The rear of this property will be made into one buildable lot which is very desirable in this area. The only relief needed is 24' of lot width on the lot which will contain the house. Town Solicitor DeSisto informed the Board that the Zoning Board placed a condition on their approval that the house not only not be demolished but it must be maintained in its current historic state.

Chairman Olean now opened the meeting to comments from the public. There were no members of the public that came forward to speak. Motion was made by member Reilly to close the Public Hearing at 7:14 pm was seconded by member Griffin. Motion was approved by all members present.

Chairman Olean expressed a concern about the condition of having the driveway improved so two cars could pass. Chairman Olean wanted to know if the Fire Department had any comments. Mr. Ranaldi stated that some discussions took place and the existing driveway is adequate for the existing house. Any improvements needed for fire apparatus accessing the new house would be handled at building permit stage. Mr. Walsh stated that the Saylesville Fire Department would like some type of turn around when a new house is built. The Fire Department was satisfied that the issue would be

handled at building permit stage. Member Reilly asked if there would be any restrictions on the new lot as to what kind of house could be built. Town Solicitor DeSisto stated that the Board could not place a restriction of that nature.

Motion made by member Hunt to approve preliminary plan with conditions as listed in the TRC report and upgrading the first condition to include maintaining the historic house in its current state as stated in the Zoning Board decision. The motion was seconded by member Griffin. Motion was approved by all members present.

Motion made by member Griffin to delegate final plan approval to the Administrative Officer was seconded by member Hunt. Motion was approved by all members present.

## **MAJOR LAND DEVELOPMENT REVIEW**

**a. Albion Commons AP 41 Lot 9 Final Plan**

**Link Commercial Properties, LLC 616 George Washington Hwy. Discussion/Approval**

Mr. Ranaldi stated that this application is before the Board for a final plan review. This application represents the development of a two acre commercial lot for three buildings with associated parking. The applicant went through an Area of Planning Concern review. The APC offered a positive recommendation for this project. The plan

changed very slightly since preliminary plan. The bank is 300 square feet larger which required a little adjustment in the site plan. This minor change did not warrant a new review of the Board. One issue has not been completed by the applicant which is the cross easement. The cross easement was approved by the Town Council for land encroachments by both parties. The easements would have to be recorded before the final plan can be recorded. Two conditions are recommended for this final approval. The first condition is to record the cross easements. The second condition is to record the final plan site plan.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that he has worked on writing the cross easement language with the Town Solicitor. The easements are ready to be recorded. The final plan documents have been prepared and will be offered to the Town for recording. Any issues with signage will be handled with the Zoning Board once the applicant knows what the requirements are of the prospective tenants. Chairman Olean expressed a concern that construction cannot begin until all the conditions of final plan have been met. Mr. Shekarchi stated he understands that all recordings will have to be complete before construction begins.

Motion made by member Griffin to approve final plan with conditions as listed in the TRC report was seconded by member Reilly. Motion was approved by all members present.

**b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Bond Release**  
**The YMCA of Pawtucket, Inc. Breakneck Hill**  
**Road Discussion/Approval**

**Mr. Ranaldi stated that the Public Works Director has drafted a letter to this Board regarding the sewer pump station. The letter states that there are still a few remaining concerns regarding this pump station. The Town received communication today that the electronic communication between Town Hall and the pump station has not been established. There are still very few minor kinks however out of an abundance of caution the Public Works Director does not feel comfortable releasing the bond.**

**Bob Cioffi, executive director of the MacColl YMCA, made a presentation to the Board. Mr. Cioffi asked for some consideration in regards to this project and the release of the bond. Mr. Cioffi feels that the electronic communication portion of this station is between the contractor and the Town and that the YMCA has fulfilled their obligation. This money would help the YMCA finish the project and get equipment for the building. Chairman Olean asked if the YMCA has seen the letter from the Public Works Director. Mr. Cioffi stated he had not seen the letter. A copy of the letter was presented to Mr. Cioffi. Chairman Olean stated that he personally is uncomfortable going against the recommendation of the Public Works Director. Mr. Cioffi stated that the station is 99% complete and was hoping for**

some consideration from the Town. Member Delgrande asked how long before the station is 100%. Mr. Cioffi did not know because the Town and Contractor have been working on it. Mr. Ranaldi stated he believes the issues are very close to being resolved maybe 2 to 3 days.

Motion made by member Delgrande to continue this application for a bond release to the September meeting was seconded by member Griffin. Motion was approved by all members present.

c. 90 Industrial Circle AP 2 Lot 82 Master Plan Extension  
A.F. Homes, LLC Walker Street & Discussion/Approval  
Industrial Circle

Mr. Ranaldi stated that this application is for a master plan extension. The plan calls for 48 residential condominium units in a mill building. This project does not fall under the tolling law. This was a mediated agreement between the Town and the applicant. The TRC took into consideration the current economic times and feels comfortable recommending a one year extension of the master plan. The TRC did want to verify if this project was still under consideration. Since the TRC meeting a letter from RIDEM has been submitted and the applicant will speak to that tonight.

Joelle Sylvia, attorney for the applicant, made a brief presentation to the Board. Ms. Sylvia stated that the applicant did submit the letter



from RIDEM. The letter states that RIDEM did review the soil management plan. The applicant must notify RIDEM after construction is done so they can issue a new revised land use restriction plan with some residential development on site. They did review the intended construction and land uses and will do that again after construction is complete. The applicant will now be contacting their engineer to start the preliminary plan process. Chairman Olean wanted to know if the Town had a copy of the soil management plan. Ms. Sylvia stated that she will have the engineer forward the Town a copy. Mr. Ranaldi stated that he would rather receive that plan at preliminary plan submission.

Motion made by member Reilly to renew master plan approval for one year until August 25, 2013 was seconded by member Griffin. Motion was approved by all members present.

**d. TD Bank AP 28 Lot 10 Master Plan**

**Wake Robin Square, LLC Wake Robin Road Discussion/Approval**

Mr. Ranaldi stated that this is a new application for a land development project. This application is under the 2005 subdivision regulations. The application represents the redevelopment of the former "Wendy's Restaurant" site. The proposal is for a 2,500 square foot banking facility operated by TD Bank. The project includes a drive through with associated parking. The site will be re-graded, new drainage will added and 18 additional parking spaces. This site

is in the BL-0.5 zone and everything the applicant is proposing is permitted in this zone. The Board has until December 13, 2012 to make a decision on master plan.

Josh Swerling, engineer for the applicant, made a presentation to the Board. Mr. Swerling stated that he is representing both the applicant and the property owner. The building will be located generally in the same location as the former restaurant. The proposed bank is 2,500 square feet with a two lane drive through located to the rear of the building. There will be ample queuing for the drive through. There are 18 parking spaces proposed. There is pedestrian access along the building as well as to Wake Robin Road. After discussions with the TRC, the applicant proposes to add a pedestrian access to the parking area mainly for the retail and restaurant on the same site. There is a significant amount of landscaping proposed for this project. The applicant is working with the State RIDOT to come up with an agreement to re-grade the front area and also re-landscape this area which the State owns. TD Bank plans on making this a “green” site with high recycle content and low energy usage. The exterior lighting will be all LED type with fixtures pointing light toward ground. Drainage patterns will be mostly maintained but with more landscaping and less impervious area. A storm water mitigation system will be constructed on site. The applicant will be seeking a permit from the Zoning Board for signage along with a sign on the State right-of-way.

Chairman Olean asked about more detail regarding the signage so the Board could make the recommendation to the Zoning Board. Mr. Ranaldi stated that the applicant is proposing to reuse the existing monument sign that "Wendy's" had which is on their property. They would like to build a monument sign closer to the road which would require a Use Variance because the sign would be on State property. If the Use Variance is approved the applicant would not need to use the existing monument sign which is on their property. The TRC recommended a positive recommendation to the Zoning Board however it was noted that the applicant wanted to move the monument sign which would require a Use Variance. The recommendation states that it would be one monument sign or the other but not both. Mr. Ranaldi stated that the only thing for the Town to review on this project is the new drainage. The Town Engineer would be comfortable combining master plan stages and moving to preliminary plan public hearing at the next step. Therefore, the TRC recommends master plan approval with conditions as listed in the TRC report and combine master plan approval stages and move to a Public Hearing next month. Chairman Olean also would like to see some indication of a cross walk crossing the driveway to connect the two sidewalks. Mr. Swerling agreed. Chairman Olean also wanted the applicant to provide a stamped set of plans for the file. Mr. Swerling stated that would be no problem.

Motion made by member Griffin to approve master plan and combine master plan approval stages to the extent that the next stage would

**be preliminary plan at Public Hearing which will be held at next month's meeting. The motion was seconded by member Hunt. Motion was approved by all members present.**

**Motion made by member Reilly to move item #7 Zoning Applications to the next item on the agenda was seconded by member Hunt. Motion was approved by all members present.**

## **ZONING APPLICATIONS**

**TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI – Application for Special Use Permit for signage for new business to be located at former “Wendy’s” at 3 Wake Robin Road, Lincoln, RI. AP 28, Lot 10 Zoned: BL-0.5**

**Motion made by member Hunt to accept TRC recommendation for a positive recommendation to the Zoning Board was seconded by member Delgrande. Motion was approved by all members present.**

## **ROAD ABANDONMENT**

**a. Right of Way #12 AP 38 Lots 106 & 107 Recommendation to Brian Cote Railroad Street Town Council**

**Mr. Ranaldi stated that this right of way abandonment coincides with**

**a minor subdivision that this Board approved last month. Adjacent to the lot that was subdivided into four was an undeveloped right of way. The TRC has made it a policy that if a project is in front of them with an unused right of way next to it, we encourage the applicant to ask for abandonment. The TRC reviewed this application and recommends that a positive recommendation is sent to the Town Council. This right of way existed from the mill days for access to the river but serves no public use today.**

**Motion made by member Griffin to send a positive recommendation to the Town Council in regards to the abandonment of right of way #12. The motion was seconded by member Reilly. Motion was approved by all members present.**

**Motion made by member Murphy to adjourn at was seconded at 8:07 pm by member Delgrande. Motion was approved by all members present.**

**Respectfully submitted,**

**Russell Hervieux**

## **Technical Review Committee Report**

**On August 16, 2012 at 3:00 pm, the Technical Review Committee met to review the agenda items for the August 22, 2012 meeting of the Planning Board. In attendance were Al Ranaldi, John Faile, Laszlo Siegmund, Michael Gagnon, and Michael Reilly. Below are the Committee's recommendations.**

### **Major Subdivision Review**

#### **a. Hysko Great Road Subdivision AP 22 Lot 4 Public Hearing – 7:00 PM**

**- Donald and Patricia Hysko Great Road Preliminary Plan Discussion / Approval**

**This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the need for zoning relief for the existing house. This application received Master Plan approval on June 27, 2012. On August 16, 2012, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve**

with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. Therefore, a decision on the preliminary plan review must be made by December 13, 2012, or within such further time as may be consented to by the applicant.

The Technical Review Committee has reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary plan submission requirements. The submission includes a plan entitled, "2 Lot Subdivision, A.P. 22 Lot 4, Donald R. & Patricia Hysko". The submission contains four sheets and is dated May/June 2011. Below are the TRC comments.

### **Project Description**

As stated above, this project represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the need for zoning relief. On August 7, 2012, the Zoning Board granted the requested dimensional relief with the condition that a deed restriction be placed on the house lot restricting the demolition of the existing house. The proposed dimensional variance was for the lot width of proposed parcel A from the require 120 feet to 95.8 feet. The proposed subdivision is before the Planning Board for a Preliminary Plan review and Public Hearing. As the Planning Board members will recall, this subdivision is unusual in the fact that the zoning relief is for lot width and the project also goes against one of the Planning Board's policies of not allowing shared driveways to access two or more residential lots. While both proposed parcels theoretically have access to a public

roadway, physical access to proposed parcel A is impossible due to the significant topography that exists along the roadway. Access to the original lot of record is from an existing driveway.

This proposed subdivision advanced to the official review stages based on the compelling historical significance of the property. Once this value was established, the technical aspect of the project advanced based on lengthy discussions with the Town's planning and zoning staff.

### **Property's Significance**

The existing house on this property is the historic Israel Arnold House, which is listed in the National Register of Historic Places individually and as part of the Great Road Historic District. The house is a ca. 1720 two-and-one-half story, center-chimney dwelling. It is believed to be one of the best local examples of mid 18th century architecture and was documented in 1937 and 1940 by the Historic American Buildings Survey. The house was completely restored in the early 1970's under the supervision of Antoinette Downing, a noted Rhode Island historian. The eight-acre property is on the south side of Great Road high above the road with steep ledge across much of the frontage.

The eight-acre parcel has been on the real estate market for the past five (5) years. One condition of the sale is that the house must be preserved from demolition. This condition has been the over-riding goal of the owners since they placed the property on the market. The owners feel that the house represents a significant piece of historic



architecture as well as a significant historic chapter that tells the story of the Town of Lincoln and New England. They wish to preserve this house for future generations to study and appreciate. Unfortunately, the owners do not live in Rhode Island anymore and have been hit hard by the economic times. They can no longer afford to maintain two homesteads.

The owner received quite a bit of interest in the parcel, however all prospective buyers would not commit to preserving the house. While there are physical constraints on the property; such as the protected wetlands on one side and the steep ledge across the frontage which makes access to the property a challenge, the location and other unique aspects of the property with the house demolished makes it very appealing to developers.

Several price reductions have been issued by the owner. In an effort to continue to find a buyer who will preserve and live in the house, the owner approached the Town to discuss all available options. The submitted subdivision represents one option. This option, if successful, will enable the owner to sell the rear parcel of vacant land (parcel B) and hold onto the house parcel (parcel A) until an appropriate buyer comes forward. The sale of parcel B will give the owner much needed income and will reduce the asking price for parcel A.

The members of the Technical Review Committee met with the owner's representative to develop a plan that would accomplish the goal of the owners and preserve the intent of the Planning Board's regulations and policies. The submitted plan relays heavily on the

extraordinary historical nature of the house that are documented locally and nationally. A copy of the house's nomination form to the National Register of Historic Places was presented to the Planning Board during the Master Plan review stage.

As stated above, the Zoning Board granted the requested dimensional relief for this project on August 7, 2012. The condition of approval is that a deed restriction be placed on the house lot restricting the demolition of the existing house. The TRC agrees with this condition of approval due in fact that the submitted plan relays heavily on the extraordinary historical nature of the house and a deed restriction will prevent future owners from tearing down the house. Therefore, as a condition of Preliminary Plan approval, the TRC recommends that the applicant places a deed restriction on the historic house lot to prevent the future demolition of the existing historic house.

## **Utilities**

The existing house is serviced by public sewer and water. Public utilities exist within Great Road and are available for parcel B.

## **Site plan**

The proposed subdivision is to divide one large lot containing 8.45 acres into two residential lots. Proposed parcel A will contain 2.69 acres and the existing house. Proposed parcel B will contain 5.76 acres and is currently vacant. The property is surrounded on two sides by the Moshassuck River and associated 200 foot riverbank

wetland buffer. The remaining portion of the property abuts Lincoln Woods. A small wetland complex is located in the rear of the property.

Due to significant topography and sight distance issues, access to each lot will be from one shared driveway. Parcel B will own the driveway and will give an easement to parcel A. The TRC visited the site several times during the review process. The TRC feels that the applicant should develop one location along the driveway in which two cars can safely pass each other. This area can be created by increasing the width of the driveway to accommodate two cars or by clearing an area along the driveway where one car can pull over while another car passes it. Therefore, as a condition of Preliminary Plan approval, the TRC recommends that the applicant develops one location along the driveway in which two cars can safely pass each other. The TRC would like this condition to be addressed before the final plan is recorded.

Barring any unforeseen concerns brought out during the public hearing, the TRC recommends Preliminary Plan Approval with Conditions. The following items are the recommended conditions of approval.

1. The applicant places a deed restriction on the historic house lot to prevent the future demolition of the existing historic house. This condition is to be addressed before the final plan is recorded.
2. The applicant incorporates one location along the driveway in which two cars can safely pass each other. This condition is to be

**addressed before the final plan is recorded.**

## **Major Land Development Review**

### **a. Albion Commons AP 41 Lot 9 Final Plan Discussion /**

#### **- Link Commercial Properties 618 George Washington HWY Approval**

**This major land development project is under the 2005 Subdivision Regulations and represents the redevelopment of 2.06 acre commercial lot. The proposed redevelopment of this property is to remove the existing 1-story commercial building and construct three separate commercial buildings with associated parking areas. The project exceeds all of the commercial parking requirements. All surface water runoff is proposed to be directed into the existing on-site underground storm water mitigation systems. This project is in front of the Planning Board for a Final Plan stage of review.**

**On August 15, 2012, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within forty five (45) days of certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted, according to the requirements of Section 8. A decision on the final plan review must be made by September 29, 2012, or within such further time as may be consented to by the applicant.**

**The final plan submission contains a set of plans entitled, "Albion Commons, AP 41 Lot 9, George Washington Highway, Lincoln, Rhode Island", prepared for Link Commercial Properties, LLC. The submission has eighteen sheets and is dated August 7, 2012. The**

project has received a Physical Alteration Permit No. 110912-A, a Narragansett Bay Commission sewer connection permit #SC120112. The project was reviewed by the Area of Planning Concern of March 28, 2012 and on July 25, 2012. Based on the review and comments from these two meetings, the APC gave a positive recommendation to the application in regards to the proposed landscaping and lighting plans. The APC also reviewed the proposed sign package and agreed that the style was consistent with other properties in the overlay district. All recommendations brought out at the APC meetings have been successfully incorporated into the submitted plans.

### **Conditions of Approval**

The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations final plan submission requirements. The TRC identified one concern that has not been addressed.

The submitted plans show two areas of conflict along the property line between Albion Road. The survey shows that some of the public highway is located on private property while some private infrastructure improvements are located on public property. However, neither the Town nor the State has officially accepted the ownership of this portion of Albion Road. The Town still contends that the roadway is a State roadway. The applicant has proposed a resolution to this problem in which the subject land parcels are exchanged between parties according to the existing property line survey. Town Solicitor DeSisto recommends that the applicant

**petition the Lincoln Town Council for a cross-easement to accommodate the proposed redevelopment project. The proposed easement was reviewed and approved by the Town Council during their March 20, 2012 meeting but has not been executed and recorded.**

### **Zoning Requirements**

**The Technical Review Committee wants to advise the applicant about the Town's sign requirements. It has been the committee's experience that most commercial businesses want more signage than what the Town permits by right. In most cases, the commercial businesses had to go before the Zoning Board for dimensional relief. The TRC recommends that the applicant starts this discussion with all proposed businesses so the necessary steps can be taken in advance.**

**The submitted preliminary plans show a proposed pylon sign to be located within RIDOT's right-of-way. This sign would require a review and approval by the RIDOT and a use variance from the Town's Zoning Board. According to our zoning ordinance, all signs must be located on the same parcel of land in which the commercial business is located. The TRC recommends that the applicant begins the necessary steps as soon as possible. The proposed sign package was reviewed and approved by the Area of Planning Concern at the July 25, 2012 hearing.**

**The Technical Review Committee feels that the executions of the**

**cross-easement can be easily resolved. Therefore, the TRC recommends Final Plan Approval with Conditions. The following items are the recommended conditions of approval.**

- 1. The Albion Road cross-easement between the Town and the property owner be executed and recorded.**
- 2. The site plan be recorded as final plan. The site will show the proposed buildings and parking lot layout and a notation of all permits received.**

**b. MacColl Field YMCA AP 25 Lots 58,68,69,71 Bond Release  
- The YMCA of Pawtucket, Inc. Breakneck Hill Road**

**On January 26, 2011, the proposed land development project received Preliminary Plan Approval with Conditions for a new 40,000 square foot YMCA recreational building with associated parking. The new YMCA recreational building will be serviced by public water and a private force main sewer which will be the sole responsibility of the property owner to construct, own, operate and maintain, not the Town. The private sewer system will connect the entire complex to the public sewers via an onsite pump station and forcemain running the entire length of the applicant's property up to the existing public gravity line in Breakneck Hill Road. This gravity sewer discharges to a pump station on East Butterfly Way. The Public Works Department requires this existing pump station be rebuilt in order to accommodate the flows from the project as a condition of approval.**

**In order to accommodate the applicant's scheduling concerns, the Town and the applicant executed an agreement that outlines the**

applicant's responsibility and time table to provide the offsite improvement. The applicant also posted a bond in the amount of the offsite improvement as part of the agreement.

On June 18, 2012, the YMCA submitted a letter requesting the release of their bond due in fact that the offsite improvements have been completed. However, while the new pump station is up and running, the improvements have not been accepted by the Town. The Director of Public Works stated in a letter to the Planning Board that it would be premature to release the bond at this time. At the July Planning Board meeting, the Board chose to table this request until the August meeting. Unfortunately, the Director of Public Works again stated that some minor outstanding issues and he did not feel comfortable releasing the bond at this time. Therefore, the Technical Review Committee recommends that the bond release request be postponed until the next Planning Board meeting.

**c. 90 Industrial Circle AP 2 Lot 82 Master Plan Extension**

**- A.F. Homes, LLC Walker Street & Industrial Circle Discussion / Approval**

This land development project is for the construction of forty-eight (48) residential units in an existing 41,480 square foot mill building. This project received Master Plan approval with conditions on April 25, 2007. Several master plan extensions have been granted. On July 5, 2008, the General Assembly amended the vesting period set forth in R.I. Gen. Laws §45-23-40. The Town and the applicant disagreed



with the vesting period of this particular project. Ultimately, this dispute was stated during a mediation session held according to the procedures of the Rhode Island Supreme Court.

Based on this mediated agreement, the applicant appeared before the Planning Board on August 25, 2010 and was granted a reinstatement of their project as a vested Master Plan with conditions. The Planning Board also granted a one year extension of the project to August 25, 2011. The applicant appeared before the Planning Board on July 27, 2011 and August 24, 2011 and was again granted a reinstatement of their project as a vested Master Plan with conditions until August 25, 2012.

The applicant submitted a letter to the Administrative Officer on July 12, 2021 requesting another one year extension to August 25, 2013. The letter explained that the applicant has been actively negotiating with RIDEM to resolve their concerns about the site and meet one of the conditions of approval. The letter also points to the continuing tough economic conditions.

The TRC also took into consideration the issues presented in their most recent letter dated July 12, 2012. The Technical Review Committee would like more detail on the progress of the project and hopefully a timetable of future progress. The TRC is comfortable with recommending another one year extension for this project but would appreciate a more detailed rundown of what type of progress has been made over the last year. The recommends that the applicant makes this presentation to the Board at this month's meeting. Barring any unforeseen objections, the TRC recommends granting

**another one year reinstatement of their project as a vested Master Plan with conditions until August 25, 2013.**

**d. TD Bank AP 28 Lot 10 Master Plan Discussion /**

**- Wake Robin Square, LLC Wake Robin Road Approval**

**This major land development project is under the 2005 Subdivision Regulations and represents the redevelopment of the former Wendy's restaurant site at Wake Robin Square into a 2,500 square foot bank branch facility with drive-thru service and associated parking. The site will be re-graded to improve surface water drainage. The site will have 18 new parking spaces and associated landscaped islands. The new building will be serviced by public water and sewer. The proposed project meets all of the zoning requirements for the Business Limited zoning district. This project is in front of the Planning Board at the Master Plan review stage.**

**On August 15, 2012, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master plan review must be made by December 13, 2012, or within such further time as may be consented to by the applicant.**

**The master plan submission contains a set of plans entitled, "Site Plan Documents for TD Bank, location of site – 3 Wake Robin Road,**

**Map 28 Lot 10, Town of Lincoln, Providence County, Rhode Island”, prepared by Bohler Engineering for Wake Robin Square LLC and TD Bank. The set of plans contain 6 sheets and is dated July 17, 2012. Another set of plans entitled, “TD Lincoln 10 Wake Robin Road, Lincoln, Rhode Island, prepared by Bergmeyer Associates, Inc.” The set of plans contain 7 sheets and is dated May 29, 2012. The applicant also submitted a project narrative dated July 17, 2012.**

**The Technical Review Committee reviewed the proposed development according to the Land Development and Subdivision Regulations master plan submission requirements. Below are the TRC’s recommendations.**

### **Site Layout**

**The proposed new bank facility will be developed along the northerly side of the existing commercial plaza. The former Wendy’s restaurant site was demolished and the area is currently vacant. The building is proposed to be located in the middle of this area. A drive-thru access driveway is located to the south of the building. The drive-thru facility is located to the east of the building and the associated parking is located to the north and west of the building. The proposed vehicular entrance to this area has been modified to improve vehicular circulation to the new bank and within the existing plaza. Pedestrian access from the existing sidewalk will be developed.**

### **Parking**

As stated above, the proposed bank facility will have 18 new parking spaces and associated landscaped islands. However, this area is part of a larger commercial plaza with a variety of uses and parking requirements. The applicant provided a parking summary of the existing uses and proposed bank and there required parking amounts. The required amount of parking for the existing uses and proposed bank is 139 parking spaces. The applicant is proposing 170 spaces including the proposed spaces for the bank.

The TRC did have a concern internal pedestrian access within the plaza. The proposed plan does not indicate a dedicated sidewalk between the existing uses and the proposed bank. As presented, any pedestrians who would like to walk between the bank and the existing plaza uses would have to cross the vehicular access point. There is no dedicated sidewalk between the parking areas. The Technical Review Committee recommends that the applicant installs a sidewalk through the proposed planting area located between the existing parking area within the plaza and the proposed bank area. This sidewalk should be located within an area that would provide visibility for the pedestrians.

### **Zoning Requirements**

The applicant is located within the Business Limited zoning district. The proposed use and drive-thru facility are permitted uses. The applicant is requesting a use variance to allow the installation on the state owned right-of-way directly in front of the property. They are also requesting a dimensional variance for additional signage. The

**TRC reviewed these requests and made recommendations within the September Zoning Application section of this report.**

### **Storm Water Runoff**

**The applicant will install a new drainage system that will include provisions for collecting and treating stormwater runoff. The proposed system will be reviewed during the preliminary plan review stage.**

**Based on the master plan review conducted by the Technical Review Committee, the TRC feels that this proposed project submission successfully addresses all of the required findings as presented within Section 5 of the Subdivision Regulations for master plan review.**

**If the Planning Board agrees with the TRC, the Planning Board has the authority to combine review stages. According to Section 16(C) of the Subdivision Regulations, “The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in these regulations. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant”.**

**The Technical Review Committee recommends that the master plan submission be Approved with conditions and advance to the preliminary plan review stage. The condition of approval is that the applicant shows a sidewalk through the proposed planting area located between the existing parking area within the plaza and the**

proposed bank area. This sidewalk should be located within an area that would provide visibility for the pedestrians.

The TRC feels that due to the unique nature of this site and project and the fact that there are no other items to review at preliminary plan stage, the TRC recommends that the application comes back to the Planning Board at Preliminary Plan Public Hearing stage. The applicant told the TRC that they have the drainage system designed and can meet with the Town to discuss within two weeks. The Town Engineer feels that the new drainage system will be rather straight forward and he does not have any concerns about the ability of the applicant to meet all engineering specifications. If the Planning Board agrees, the applicant will have to submit an abutters list for the required notification.

## **Road Abandonment**

### **a. Right-of-Way #12 AP 38 Lots 106 and 107 Recommendation to Town Council**

**- Brian Cote Railroad Street**

The proposal is to abandon the Town owned right-of-way #12 located off of Railroad Street in Manville. This proposal is in front of the Town Council who has asked for a recommendation from the Planning Board. This right-of-way use to provide access to the river. However, the need to access the river no longer exists.

Several right-of-ways exist within this section of Town. It has been the policy of the Town and the Technical Review Committee to review

**the Town's use of any existing right-of-ways. If there is no foreseeable use of the right-of-way, the TRC recommends to the abutting property owners to seek a road abandonment and incorporate the land into their property.**

**The TRC reviewed the usefulness of this particular right-of-way to the Town and the surrounding neighborhood. The TRC determined that this paper roadway does not serve any useful function for the Town and recommends that it be abandoned.**

### **Zoning Applications (\*) – September's Zoning Applications**

**Anthony Bouthillette, 266 Angell Road, Lincoln, RI – Application for Dimensional Variance seeking front and side yard relief for the construction of an addition.**

**AP 45, Lot 107 Zoned: RS-20**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application according to the submitted plans for a dimensional variance from the front and side yard setbacks for the construction of an addition. The dimensional variance is actually needed to clear up the pre-existing nonconformance of the existing house. The TRC feels that the proposed location of the new addition will be built within the existing**

setbacks and to the rear of the property. The Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

**BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI/William Machala, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit to allow a indoor recreation are for children’s party use for property located at 40 Walker Street, Lincoln, RI.**

**AP 2, Lots 84/96 Zoned MG 05**

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee could not make a recommendation from the information presented. The TRC had questions about existing parking areas and the amount of people that the applicant expects to serve at any given children’s party. These details were not presented in the application.

**TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI – Application for Special Use Permit for signage for new business to be located at the former’s Wendy’s at 3 Wake Robin Road, Lincoln, RI.**  
**AP 28, Lot 10 Zoned: BL 0.5**

Members of the Technical Review Committee visited the site and



reviewed the submitted plans and the application for a special use permit for new signage at the proposed TD Bank located at 3 Wake Robin Road. The submitted application is for a total of three building signs and one pylon sign of various sizes. The application indicates two possible locations for the pylon sign. One location would be located on the property. The other location would be located on the State right-of-way. The Technical Review Committee recommends Approval of the proposed signage package as presented within the submitted plans. However, the TRC recommends that the applicant be allowed only one pylon sign. If the applicant wishes to locate the sign on the State right-of-way, the TRC would like to point out that this sign location would require a use variance per the Zoning Ordinance.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board